
Board of Health Minutes 02/26/2015

Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of February 26, 2015

Board Members Present:

Lucy Burton, Chair
Burton Kaplan, Co-Chair
Kalliope Egloff, Clerk

Also Present:

Glen Harrington, Health Agent

Chair Lucy Burton called the meeting to order at 7:00 PM.

APPOINTMENTS**7:15 PM – Matthew Costa, Cape & Islands Engineering – Nitrogen Aggregation Plan – 78 Alma Road.**

Matt Costa of Cape & Islands Engineering, representing Rosata Builders of 78 Alma Road, introduced himself to the Board.

Mr. Costa commented that nitrogen credits are to be transferred from the credit property identified as 624 Old Barnstable Road by way of nitrogen restriction easement transferring to the facility property of 78 Alma Road. This transfer will qualify the property located at 78 Alma Road for 2 bedrooms since the property is located in Zone II, a nitrogen sensitive area.

Two sets of plans were submitted: one for the credit property at 624 Old Barnstable Road, and the other for the facility property at 78 Alma Road. The restriction and easement will supersede the existing one-bedroom deed restriction on the property located at 78 Alma Road. Documents will be recorded on the deeds of both properties because they cross reference each other.

Glen Harrington commented that the Certificate of Title number on the nitrogen restriction document of the facility land needs to be consistent with the grant of easement restriction document. If the nitrogen aggregation plan is approved by the Board, a condition of approval would be that the existing Soil Absorption System will need to be increased in size for a two-bedroom capacity with a compliant design plan. The Board will also need to vote to rescind the existing one-bedroom deed restriction. The fee to review the nitrogen aggregation plan is \$250.

Kalliope Egloff made a motion that the Board of Health approve the transfer of nitrogen credit area from 624 Old Barnstable Road to 78 Alma Road with tenancy on both deeds. A deed restriction is required for 624 Old Barnstable Road to be filed at the Barnstable County Registry of Deeds stating that the credit land will never be built on in perpetuity, and a deed restriction for 78 Alma Road shall be filed with the Barnstable County Registry of Deeds restricting the property to a two-bedroom.

Additional conditions of approval are:

- A fee of \$250 to review the plans.
- Expansion of the existing Soil Absorption System to accommodate the potential increase to two bedrooms with a compliant design plan.

- Rescinding the current one-bedroom deed restriction.
- The land surveyor's stamp on the plan of 624 Old Barnstable Road.
- The correction of the Certificate of Title numbers on the nitrogen restriction and grant of easement restriction documents.

Burton Kaplan seconded the motion. The motion was unanimously approved.

7:20 PM – Clark Hill – I/A Maintenance Violation: 50 Popponesset Island Road.

Glen Harrington commented that he spoke to Clark Hill, owner of 50 Popponesset Island Road, and to Winston Steadman, operator for the Innovative/Alternative "MICRO-FAST denitrification system. Mr. Steadman stated that he has not yet received a signed contract from Mr. Hill. However, Mr. Hill informed Mr. Harrington that he will provide the contract.

Lucy Burton made a motion that the Board of Health continue discussion on 50 Popponesset Island Road to the next Board of Health meeting scheduled on March 5, 2015. Burton Kaplan seconded the motion. The motion was unanimously approved.

7:30 PM – Peter McEntee, Engineering Works – Title V Variances – 55 Santuit Lane.

Peter McEntee of Engineering Works, representing Greg Bush of 55 Santuit Lane, introduced himself to the Board.

Mr. McEntee commented that the existing house at 55 Santuit Lane has a failed cesspool. Mr. Bush would like to demolish the existing dwelling and construct a new house in the same footprint of the existing dwelling. The existing dwelling has two bedrooms, and Mr. Bush wishes to increase the flow to three bedrooms.

Mr. McEntee is requesting the following variances for the purpose of a Title V Upgrade with an increase in flow at 55 Santuit Lane:

- Title V Variance, 310 CMR 15.221(7): a 3' variance to the maximum cover requirement, for up to 6' of cover. H-20 load rated components and vent shall mitigate the variance.
- Local Board of Health Regulation, Leaching Distance Requirements: a 34' variance, Soil Absorption System to Bordering Vegetated Wetlands, for a 66' setback. The intent is to install a denitrification system with ultra violet protection, a gravity sewer line, and a reserve area for the bedroom addition.

Glen Harrington remarked that the sampling for the system should be taken from the distribution box.

Burton Kaplan made a motion that the Board of Health approve the two variances requested for 55 Santuit Lane subject to:

- An Operation and Maintenance contract with sampling to be maintained for the life of the system.
- The Operation and Maintenance contract shall include testing and analysis for total nitrogen quarterly for two years and total coliform quarterly for two years.
- Sampling should be taken from the distribution box.

Kalliope Egloff seconded the motion. The motion was unanimously approved.

NEW BUSINESS

- **Sign Expense Warrants.** The Board members signed the expense warrants.
- **Review/Approve BOH Public Session Minutes: February 5, 2015.**

Burton Kaplan made a motion that the Board of Health approve the Public Session minutes of February 5, 2015, as presented. Kalliope Egloff seconded the motion. The motion was unanimously approved.

- **Request for 2015 Catering License: Villaggio at the Regatta.**

Glen Harrington commented that Villaggio at the Regatta has participated in events in Mashpee in previous years and wishes to obtain a year-round catering license rather than several temporary food permits. Villaggio at the Regatta currently has a food establishment permit and catering permit from the Town of Barnstable.

Burton Kaplan made a motion that the Board of Health approve the 2015 Catering License for Villaggio at the Regatta. Kalliope Egloff seconded the motion. The motion was unanimously approved.

OLD BUSINESS

- **Mobile Food Regulation.**

Glen Harrington commented that he submitted the draft mobile food regulation to Town Counsel and received their comments. Any time a permit is issued it is best to use that permit's regulation as the enforcement instead of a non-criminal disposition. By using a non-criminal disposition, a ticket would be written for the violation. If the ticket is challenged, an agent must appear in court which involves time and absence away from the office. Mr. Harrington will complete the revisions to the draft mobile food regulation and present it to the Board at the next scheduled meeting.

The Board continued discussion of the Mobile Food Regulation to the next Board of Health meeting scheduled on March 5, 2015.

- **Housing Violations: 140 Noisy Hole Road.**

Glen Harrington commented that at the January 15, 2015, meeting the Board of Health voted to have the existing septic system pumped at 140 Noisy Hole Road by January 16, 2015, with notification to the Health Agent, or fines would be issued for failure to pump. The system was pumped, and the Health Agent was notified. Therefore, no fines will apply to this order. The Board of Health also voted on January 15, 2015, to have the new septic system installed with the Certificate of Compliance issued by February 10, 2015. Fines would be issued at \$300 per day if the installation of the septic system did not occur and if the existing dwelling was not connected to town water by February 10, 2015.

Mr. Harrington remarked that an inspection of the main dwelling took place prior to the February 5, 2015, meeting where there were two violations. One of which was a Title V violation because there were 3 bedrooms in the main dwelling and at that time one in the garage for a total of four bedrooms. Also, there was no electrical switch for the stairway light at the bottom of the stairs. The owner was notified of these violations. On February 9, 2015, a letter from Attorneys Kevin and Christopher Kirrane was received requesting an extension to install the septic system at 140 Noisy Hole Road.

Mr. Harrington commented that Scott Torrey notified him that every time he attempted to install the septic system there was a snow storm. At the beginning of the week, Mr. Torrey had the boat moved and the snow removed from the site. He was planning to install the system at that time, but the two coastal storms prevented the installation. Mr. Torrey is planning to get to the property this week.

Mr. Harrington stated that at this meeting the Board was to review the existing fines from March of 2013. The fines were issued for two violations at that time. The smoke detectors were not operational, and there was only one electric meter servicing two dwelling units. Evidence was provided by the owner's attorney that the owner had been paying the electric bill for both dwelling units, so no violation exists there. On January 30, 2015, Mr. Harrington witnessed that the smoke detectors did work in the main house but were operating poorly. The sound emitted from the smoke detectors was not very loud.

Attorney Kevin Kirrane, representing Krystal Parsons owner of 140 Noisy Hole Road, introduced himself to the Board.

Attorney Kevin Kirrane stated that Scott Torrey has been contacted several times to install the septic system. There are a couple of complicating factors to the installation of the system. First, there was a large snow storm the day after the permit was issued. Then, it was discovered that the gas line is above the area where the water line is to be installed, and there is an electric line over the existing septic. Because of safety concerns Mr. Torrey will not dig in the area of the electrical and gas lines. The owner engaged the services of another contractor to remove the snow from the area so that Mr. Torrey would be able to replace the leach field.

Attorney Kirrane remarked that an application was filed and approved with the Barnstable County Loan Program to finance the installation of this system, and Mr. Torrey is on record as the installer. Every effort has been made to have the system installed. The garage is no longer occupied eliminating the extra bedroom. The Building Department requested that the stove in the garage be removed and that the electric be disconnected so that the garage cannot be used as living space. Currently, there is a principle dwelling with 3 bedrooms which is consistent with the design of the septic system.

The Board and Attorney Kirrane discussed an installation date and potentially hiring another septic installer. However, there are issues with the gas and electrical lines. Attorney Kirrane further remarked that the extra bedroom has been eliminated, the switch at the bottom of the stairs has been addressed, and the smoke detectors have been replaced. Ms. Parsons is making every effort to correct the situation.

Kalliope Egloff made a motion that the Board of Health require the Certificate of Compliance for 140 Noisy Hole Road be issued by March 16, 2015, and continue the discussion of fines to March 19, 2015. Burton Kaplan seconded the motion. The motion was unanimously approved.

- **Community Septic Loan Program.**

Glen Harrington remarked that it has always been his understanding the 5% interest that is paid back from the betterments belongs to the Town of Mashpee and can be utilized by the Town as long as it is applied to the septic program. Mr. Harrington believed that it was not necessary to return to Town Meeting for re-authorization for the use of the interest. If the principle that was paid back was re-loaned, then that money would need to be presented at Town Meeting for authorization.

Pamela Truesdale, from the Community Septic Loan Program for the Department of Environmental Protection for the Massachusetts Wastewater Abatement Trust, agreed with Glen Harrington that the interest does not need to be re-authorized each year. Mr. Harrington forwarded the letter from Ms. Truesdale to the Mashpee Town Accountant and the Mashpee Town Manager, and both still insist the monies be re-authorized at the Mashpee Town Meeting. Mr. Harrington would like to have the septic systems repaired sooner, but as long as the systems are pumped and there is no hazard, approval of the loan can wait until Town Meeting.

ADDITIONAL TOPICS

None.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, March 5, 2015, at 7:00 PM. As there was no further business, Burton Kaplan made a motion to adjourn the Public Session Meeting of the Board of Health at 8:10 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments

